

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-1989

Dale G. Mays; Sylvia M. Wilhemi,	*	
	*	
Appellants,	*	Appeal from the United States
	*	District Court for the
v.	*	District of Minnesota.
	*	
Internal Revenue Service,	*	[UNPUBLISHED]
	*	
Appellee.	*	

Submitted: November 25, 2003

Filed: December 4, 2003

Before BYE, BOWMAN, and MELLOY, Circuit Judges.

PER CURIAM.

Dale G. Mays and Sylvia M. Wilhelmi, husband and wife, filed the instant action, alleging the Internal Revenue Service unjustly withheld their tax refund for the 1994 tax year. The District Court¹ dismissed the action with prejudice under Federal Rule of Civil Procedure 41(b). We conclude that the District Court did not abuse its discretion: appellants produced requested discovery only after the District Court's repeated interventions, they failed to comply with court orders or to appear

¹The Honorable Michael J. Davis, United States District Judge for the District of Minnesota.

at scheduled conferences and hearings, and they were specifically warned that failure to comply with a particular court order would result in dismissal of their action with prejudice. See Fed. R. Civ. P. 41(b); Good Stewardship Christian Center v. Empire Bank, 341 F.3d 794, 797 (8th Cir. 2003) (standard of review); Rodgers v. Curators of Univ. of Mo., 135 F.3d 1216, 1219 (8th Cir. 1998); Aziz v. Wright, 34 F.3d 587, 589 (8th Cir. 1994), cert. denied, 513 U.S. 1090 (1995).

Accordingly, we affirm. See 8th Cir. R. 47B.
